

PYLE (J. S.)

*With Author's Compliments*

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**A PLEA**

**For the Appropriation of Criminals, Condemned to  
Capital Punishment, to the Experi-  
mental Physiologist,**

—BY—

**J. S. PYLE, M. D., Canton, Ohio.**

*Read at the TRI-STATE MEDICAL ASSOCIATION, Peoria, Ill., October 3rd, 1893.*

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*To The Reader:*—The Author will be glad to receive any communication, notice, comments, or publication of any kind relative to the subject matter discussed in this pamphlet.

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# A PLEA

For the Appropriation of Criminals, Condemned to  
Capital Punishment, to the Experimental Physiologist,

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J. S. PYLE, M. D., Canton, Ohio.

In recent years the subject of the *rightfulness* and *expediency* of Capital punishment has occupied the minds of the thinking people. In respect to the rightfulness society is divided. Some maintain that life is one of the inalienable rights of man; others, that society has the right to require its forfeiture on the grounds of self-defense. Custom, however, sanctions the latter coupled with the object of expediency. The growing tendency, since punishment by death is required, is to lessen the moments of suffering and make the termination as little to be dreaded as possible, allowing the mind of the condemned to be occupied with contemplating the end and meeting the final tribunal. In this a great privilege is guaranteed. Up to the present no important and satisfactory change, in this direction, has been made or suggested. It is not likely that any change will be made without great opposition, for the mere acquaintance with a method, however barbarous and ill-adapted, is sufficient to silence any sentiment there is against it. Those who would be in favor of less severe measures will be met by an opposing faction arguing in support of the present on the grounds of its salutary effect. There is no reason for believing that our resources for affecting a compromise are exhausted. It would appear proper that everything should be done to lessen the terror of the present methods by the administration of anæsthetics, and I see no valid reason why, in lieu of this, experimental physiological research should not be authorized. The small amount of knowledge that the majority of people possess on this point will be instrumental in calling out loud disapprobation; but this proves nothing and every



candid mind should be willing to surrender prejudice to reason and facts. Besides, this subject has, in its favor, an economic side which would be of priceless value to psychological science and the world at large. It is a surprise that so important a matter as this one should not receive attention. The restrictions placed upon the experimentalist at present make it impossible for us ever to know the *modus operandi* of the mental processes and if this subject is ever made clear it will be by the inductive or experimental method. As man is the only animal that can transfer to others states of his own consciousness, it is plain that he must be the subject of our experimental study. Every person should be interested in the advancement and diffusion of knowledge; and of all things there is nothing that would be more acceptable to know than the seat of operations of the human mind. Our present knowledge of localized centres for certain processes related to the mind, has been picked up in a disconnected and hap-hazard manner through observation of pathological changes in the cerebral matter, and is very unsatisfactory; but establishes the fact that all mental conditions and processes have their seat and possibly their origin in the nervous matter of the cerebral hemispheres. Deductive reasoning, however, seems to point to the existence of a special intelligence higher than could possibly be produced from molecular change and united in such a way with functional processes as to give rise to a double-faced sentiency. Physiologists are inclined to doubt this and hold the Biological view, that all mental states and changes are exclusively functional and indicate an elaborate arrangement of specified nerve centres, possessing various properties, which when linked together produce, through reciprocal action, that mental synthesis—the sum of all nerve processes—the Ego, reflected as it were from a great mirror composed of nerve cells interacting, receiving impressions, reflecting and uniting them into one synthetic whole. Experimental study has been so fragmentary that nothing of a definite character has been determined; but it is possible, if liberal and frequent opportunities were secured, that this equivocal point could be satisfactorily settled. Recent developments in Psychical studies point to a revolution in our ideas on the extent, capacity and powers of the human mind; and eminent men who have given their time to this subject are very sanguine in establishing its indestructibility and continuance after the dissolution of the body. However near or far this is from a correct solution of the problem it is certain that experimental work upon the seats of human consciousness will assist us materially in an exposition of the subject. No other method of study or investigation will ever penetrate the secret regions of cerebral action and disclose the capacity and functional



limits of the phosphorized proteid matter constituting the cerebral nerve cells. Under the influence of a stimulus, in the form of a mild electric current, the cells can be made to repeat their official work and reproduce in consciousness the direct result of their operations. From this it would appear possible, if a systematic course of topographical studies was conducted, to construct a model of the whole cerebral mass functioning. The region of the Understanding could be examined, passions influenced, memory of forgotten things restored and in a word the whole realm of the conscious Ego explored. This would establish a definite localization of centres of cerebration and possibly settle the much disputed question of an intelligence other than the ultimate product of nerve change. It must be conceded that our power to separate physical phenomena from any special agency cannot exceed the limits of pure supposition, but the proof of the existence of such an agency could likely be raised above the plane of bare possibility. Morphological study of the cerebral cells throws but little light on their functional properties, and with one exception their form does not even make it possible to conjecture upon their probable office. There is no reason to anticipate any great developments from this source of investigation; as the property of nerve cells is not dependent upon structural form but resides in the molecular constitution of the cells, and no amount of optical magnification will ever reveal their physiological significance. It is plain, if we are to make any great headway in such investigation, our inquiry must be addressed to consciousness. The Ego must be interrogated and made to locate the operations of all its integral parts. The stimulus will have to be applied when the individual subjected to the examination is in a perfectly lucid state of mind and an application need not be the least unpleasant. Our stimulus applied and the question addressed to the subject may be simultaneous or follow one another in successive order. At each application the Ego will be able to tell the nature of the excitation it experiences and demonstrate to us the function of the cells stimulated. In this way by successive steps, the whole cerebral mass could be examined and the role that organic processes take in mental operations evolved. Those who would be unfavorably impressed with this method of investigation should take kindly to the information that experiments of this kind on the brain are no more unpleasant to the subject than like impressions aroused during his sojourn in perfect liberty. There is every reason to believe that the stimulus in a large number of instances would be highly pleasing. If, for example, our subject experimented upon was a person who had been repeatedly animated by the ludicrous upon touching the seat of such impressions the whole circumstance would be

reproduced attended with the same vivacity as the original experience. Painful sensations would not be produced unless a certain nucleus of cells was stimulated, and this could be avoided after its exact location was ascertained. To secure co-operation and carry out the experiment successfully the condemned would be instructed with the nature of the work, assured that no torture would be instituted; that the preparation, of removing a piece of the skull and cerebral membranes should take place when under the influence of an anæsthetic; and, while he would be allowed to regain consciousness to be interrogated, that no pain would be occasioned thereby; lastly, that his death should occur when in a profound sleep. This would, it would seem, remove the appearance of revenge and barbarity and convert such an occasion into one of real utility both socially and scientifically. As long as capital punishment is demanded, it would appear proper and right to authorize institutions, under certain regulations, to utilize the subjects so furnished for the greatest good to humanity. In this way the same end would be reached, death would be less horrifying and the intellectual horizon of society would be greatly extended. The improvement and social status that would be inaugurated could hardly be dreamed. Life, it would seem, would present a new aspect. Certainty would take the place of doubt; reforms would be set on foot and a great social uprising would result. The influence of intellectual culture would be felt in every department of social thought and its effect could not be overestimated. Mental diseases and cerebral localization would be better understood; surgical affections of the brain operated upon with a more certain knowledge of success; psychical questions in reference to the extent, powers and capacity of the human mind established; and medico-legal inquiry as to the responsibility of criminals placed upon a solid basis. Maturing our knowledge on these subjects must appeal to the reason of every right thinking person as indispensable. Those who object to the measures suggested stand in the way of progress and are ignorant of the principles that constitute and govern the human conscious mechanism. Morally, the work would have a beneficial effect upon society. It would be educational; and the spirit of revenge, so well illustrated by the present methods, would be rendered invisible and the case changed to one of pure necessity. Placing a criminal in the hands of Physiologists to inflict an easy death-punishment by the administration of narcotics, is less revolting than the idea of the gallows or the electric chair. No one who is acquainted with the action of such drugs upon the cerebral functions, would hesitate to approve of the change; but the hyper-nervous element of society who never contemplates this class of subjects will be the first to offer opposition to any reform. The



question of adopting the views supported in this paper is one to be settled upon the true merits of the case. It was anticipated in the beginning that a large majority of the people would enter a protest, on account of their environments and culture having produced a condition of mind unfavorable for impartial judgment; and if we are to experience any resistance from this source it must be charged to the want of biological and physiological knowledge. Every reformatory movement in the past has encountered a like experience and if history repeats itself society will not relax to the spirit of progress until instruction and culture have paved the way. At this particular period the signs of the times betoken the inauguration of a new era of intellectual culture. We are upon its very threshold. The way is blocked with strong nervous predispositions, acquired through improper direction in the past, and it must be opened up. The emotional element will have to be eradicated and reason allowed to assert itself. Nothing has ever been accomplished in the way of progress by the Emotive faculty and for our safe guidance the Understanding only can be consulted. Review the records of the past and satisfy yourself as to the reliability of this statement. Our present social status, in reference to our emotional tendencies, is sadly to be deprecated on account of their abnormal development. Those who take exceptions to this view of the subject should be asked to point out their good effect; when it will be our purpose to show that under the influence of strong emotions the understanding contracts and for the want of a proper balance the nervous system is forced to discharge its energy, manifesting itself in the form of emotional or hysterical phenomena. Emotional manifestations, the result of remote diseases which excite the reflexes are not to be explained in this way. But it matters not from what source the emotions arise, whether normally or abnormally, the same depreciating effect is witnessed. The inference in this case is, that the two faculties are not kindred and that one cannot be exercised without doing so at the expense of the other. In a well balanced mind the Emotive faculty is under the direct control of the inhibitory power of the understanding and the verity of this statement is substantiated by adverting to the period of childhood, where a beautiful display of the emotions, unrestrained, can be seen. The Understanding, which depends upon experience, has had but little opportunity to be evoked at this time of life; while the Emotions, not depending upon experience but upon intuition, present themselves whenever a sufficient occasion is at hand. As the Understanding becomes enriched by a varied experience its ascendancy and inhibitory action is strikingly exhibited; but where the emotional manifestations are excessive and overpowering in one of mature years, it is easy to

believe that they are of pathological origin, induced through an abnormal molecular change by an immoderate exercise of the emotional centres. A properly developed mind is one that has all its constituent faculties strengthened by use in the order of their greatest importance. In consequence of this, subjects which are intended to interest the feelings should be given sparingly to the young, and time injuriously spent in this direction, bestowed upon disciplining the Understanding. Emotions which are implanted in us need no special effort to develop them but on the contrary constant vigilance in order to keep them within the proper limits. Training the Understanding is not so easy and requires arduous exertion to raise it above the influence of the Emotive faculty. The amount of labor necessary to attain this end is too often the prime motive for neglecting the most essential features of an education. Subjects which engage both the Understanding and the Emotions should not be listed for mental exercise until the mind is prepared to separate the two elements and render a disinterested judgment. To Understand is quite different from being aroused by emotions. Matter for thought is of two kinds—Pure and Mixed. The former is divorced of all the emotional element and is intended to excite the Understanding only; the latter contains a subject which interests the Understanding and by contemplating it, calls out the emotions. It is not necessary to engage in matters of thought to arouse the emotions. They may be aroused directly without contemplating a subject, as through the organs of special sense. The faculty of the Will stands between the two just considered determining the course of the mind's exercise. It, under most circumstances, submits to the influence of the Understanding or Emotions, but if it deems fit, can stand opposed to either and direct the exercise of the mind in a course entirely uninfluenced. Like the Understanding, the Will may be weakened by the prolonged and constant influence of the Emotive faculty and on the other hand strengthened by the tonic effect resulting from an exercise of the Understanding. Where the Understanding is weak the Will is weak and as a consequence the Emotions are strong. The present nervous state of society is to be ascribed to an oversight of the true order of mental development and if people may ever hope to get rid of a large class of nervous affections and be able to decide upon subjects of vital importance to both state and society the root of the trouble must be sought and repressed. It may be charged that this paper does not attach any value to the Emotions and to avoid misapprehension and future reference this allegation will now be answered. The emotions are viewed as a necessary constituent of mental operations, but their complete subordination to the faculty of the Understanding is held to be essential to a



developed mind and the well-fare of society. Emotions are nothing more nor less than states of feeling influenced by the physical condition of the general system and have nothing to do with Belief and the knowledge of *right* and *wrong* which can only spring from the convictions created by the exercise of the faculty of the Understanding. From this it may be summed up, that emotions express only physical states; that they are the product of a faculty without which there would be no feeling or conscious existence; that they can not take part in contemplating a subject; that they do not furnish the ground for Belief; that they can influence the Will and by undue exercise impoverish the Understanding; that the influence of the emotions are not trustworthy; that they encourage nervous diseases and abnormal mental states. It will be seen that the course of mental operations, with especial reference to the influence of the emotions and exaggerated nervous states upon the Understanding and the Will, has been discussed at some length here; and it is hoped that the purpose will be effective in presenting to the reader a comprehensive view of the result of psychical operations under such circumstances, and its bearing upon the subject under consideration. It is believed that from a gradual growth of the Emotive power, the minds constituting by far the larger part of society have been weakened and incapacitated for contemplating Mixed subjects such as is discussed under the heading of this paper; and for this reason it is expected that a matter of so much vital importance as this one should be taken in hand by the State and presented to an intelligent body able to reason and render an unbiased decision. The points in favor of the measure proposed are so numerous and weighty that it will be impossible to offer a reasonable argument against it. If the opposing faction in defense of the present institution of Capital punishment take refuge under the idea of a fancied inhumanity it will be viewed in the light of this paper as evidence of the most profound ignorance of the subject and as the product of the Emotive faculty. If, to escape from all that is emotional, objection is raised, based upon the negation of the *right* to the use of human subjects in experimental work, it will be incumbent upon those who hold this conviction to prove that no right to inflict death exists which viewed in the light of our present law is incontrovertible. The same reasoning which establishes the right to inflict death in any case will also establish the right to inflict it by any method that might be thought most expedient and profitable. If it is further claimed that the new method would stupefy the higher sensibility and make society indifferent to the excitement of painful states, it will, upon examination, be found likewise untenable. That a modified form of stoicism would spring up through the instrumentality of a higher plane

of psychological knowledge will be without hesitation conceded; and that this could possibly be other than salutary and beneficial both physically and intellectually there can be no room for a plausible doubt. Again, if it should be asserted that the experimental investigations prolong the death-work it will be answered that the time thus consumed is not to be included or associated with that of the death-punishment nor, should it be connected with the idea of pain and a period of torture. This preliminary is purely a measure of expediency imposed in exchange for the use of narcotics to remove the dread in meeting the death-moment. Pain in no instance need be caused unless, as stated before, a certain nucleus of cells should be irritated which could be avoided as soon as located. An anæsthetic will be administered in the preparatory work and for the execution. To examine every tenet one after another in this manner is unnecessary as the points already developed seem to be sufficient to prove that no rational objection can be established or entertained. The state would be doing its duty to take up this matter and make the new form of Execution a recognized law. In this, crime would be punished, society protected and loss compensated. The outcome would be a very important one to criminal law as the manner of arriving at the grounds for requiring the death-punishment would be entirely changed and it is believed highly satisfactory. Death would be enforced as an obligatory measure. The Criminal instead of dying the death of a felon would redress his offense to the state and society by offering himself as a public benefactor. He would stand to be tried as to whether he should pay society for the loss it had sustained and the state the expenses of a fair and impartial trial. To make the change the state would require amendatory laws to legalize the new form of Capital punishment; it should make provisions for successfully carrying out the experimental work. A building should be specially erected and every form of mechanical appliance provided for prosecuting psychial inquiry and studies of the general nervous system. A body of expert Physiologists operating under the direction of one chosen by themselves should be appointed to carry out the commands of the state. Every person interested in scientific studies or physiological and psychial inquiry should be admitted to executions. Those that are to be admitted should be required to pass an examination before a board of examiners to show their eligibility for comprehending the work done. Those who are unqualified should not be admitted under any circumstance. The results of the experiments should be published in a report required of the body of Physiologists at the conclusion of each execution.





